UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/405,316	02/26/2012	Yan Chen	CN920100101US2	5505

58139   7590   05/02/2017
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ART UNIT	PAPER NUMBER
2686	

NOTIFICATION DATE	DELIVERY MODE
05/02/2017	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte YAN CHEN, XIAO HE,
KUANG HU, and GUO JUN ZHANG

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Appeal 2017-001011
Application 13/405,316
Technology Center 2600

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Before JEFFREY S. SMITH, KARA L. SZPONDOWSKI, and
AARON W. MOORE, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants[1] appeal under 35 U.S.C. § 134(a) from a Non-Final Rejection of claims 1–8, which are all of the pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

THE INVENTION

The application is directed to "[a] method for establishing a wireless connection based on a touch screen of a wireless device." (Abstract.) Claim 1, reproduced below, exemplifies the subject matter on appeal:

> 1. A method for establishing a wireless connection based on a touch screen of a wireless device, the method comprising:
>
> determining, in response to a slide-out from an edge of the touch screen, a first slide-out parameter for an other wireless device to determine an object to be connected;
>
> broadcasting said first slide-out parameter;
>
> determining a slide-in parameter in response to a slide-in from the edge of the touch screen and reception of a second slide-out parameter directionally transmitted from the other wireless device;
>
> establishing, by a processor, a wireless connection between said wireless device and said other wireless device if the determined slide-in parameter matches said second slide-out parameter.

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[1] Appellants identify International Business Machines Corporation as the real party in interest. (*See* App. Br. 1.)

THE REFERENCES AND THE REJECTIONS

Claims 1, 2, 6, and 7 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Nomura (US 2011/0231783 A1; published Sept. 22, 2011) and Claus (US 2008/0285626 A1; published Nov. 20, 2008). (*See* Non-Final Act. 3–5.[2])

APPELLANTS' CONTENTION[3]

Appellants argue the rejections are in error because "Nomura and Claus, taken singly or in combination, do not teach 'determining a slide-in parameter in response to a slide-in from the edge of the touch screen and reception of a second slide-out parameter directionally transmitted from the other wireless device' as recited in claim 1." (App. Br. 4.)

ANALYSIS

Appellants argue the combination does not determine a slide-in parameter *in response to* a slide-in *and* "reception of a second slide-out parameter directionally transmitted from" another device.

The Examiner responds that Nomura teaches slide-in and slide-out parameters that are received at one of the terminals (the "server"). (Ans. 3.) But the Examiner does not explain, nor do we see, how the combination teaches or suggests determining a slide-in parameter *in response to*

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[2] Claims 3–5 and 8 are objected to as dependent upon a rejected base claim, but would be allowable if rewritten in independent form including the limitations of the base and any intervening claims. (*See* Non-Final Act. 6.)

[3] Because this issue is dispositive, we do not reach Appellants' other arguments.

reception of a slide-out parameter from another device. Nomura teaches that each of the terminals determines slide-in and slide-out parameters that are subsequently used to determine relative orientations of all the terminals, but it does not teach or suggest that a slide-in parameter might be determined *in response to receipt of a slide-out parameter from another device,* nor would Nomura's system lend itself to such an arrangement, because the trail data for a given terminal (the slide-in/out parameters) is not shared with the other terminals until *after* all of the trails are detected. (*See, e.g.,* Nomura ¶¶ 75–77 ("After . . . connection is established, the client 1 and the client 2 transmits trail data representing a trail of operation of the manipulating object to the server (S206, S308)."), Fig. 6.)

Because we find Appellants' contention persuasive, we do not sustain the Section 103(a) rejection of claims 1–8.

DECISION

The rejections of claims 1–8 are reversed.

<u>REVERSED</u>